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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,920	07/22/1999	HOWARD GREEN	H0535/7009(E)	3457

7590

11/25/2002

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EXAMINER

NAFF, DAVID M

ART UNIT

PAPER NUMBER

1651

DATE MAILED: 11/25/2002

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 02/359,920	Applicant(s) Green et al
Examiner W. J. J.	Group Art Unit 1657

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 7/26/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 55, 57, 66, 67, 71, 74, 75, 77-81, 83, 84 + 86-112 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 55, 57, 71, 74, 75, 77-81, 84, 87, 91-93, 97-99, 102 + 104-108 is/are allowed.
- ☒ Claim(s) 66, 67, 83, 84 + 109-112 is/are rejected.
- ☒ Claim(s) 88-90, 94-96, 100, 101 + 103 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 24 filed 11/4/02
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/26/02 has been entered.

Copies of documents listed on form PTO-1449 of 7/26/02 did not reach the application file. These documents should be resupplied.

Claims examined on the merits are 55, 57, 66, 67, 71, 74, 75, ^{78, 79} ~~77-81~~, ^{86-98, 101 + 104-112} 83, ~~84~~ and 86-112, which are all claims in the application.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 66, 67, 83, 84 and 109-112 are rejected under 35 U.S.C. 102(b) as being anticipated by Shen et al (document C10 on PTO-1449 of 11/4/02).

The claims require a conjugate of a nonextracellular matrix protein, nonlabeling agent and a polymer wherein the agent is not a substrate for

transglutaminase, and the polymer contains at least 3 contiguous lysines attached to each other by peptide bonds and is a substrate for transglutaminase.

Shen et al disclose methotrexate (MTX) conjugated to poly(L-lysine) and the conjugate complexed with heparin to form a MTX-poly(Lys)-heparin conjugate. The poly(L-lysine) inherently contains at least three contiguous lysines and is a substrate for transglutaminase. The heparin and methotrexate are inherently not a substrate for transglutaminase and are nonextracellular matrix protein, nonlabeling agents.

Claims 88-90, 94-96, 100, 101 and 103 are free of the prior art but are objected to as being dependent on a rejected claim.

Claims 55, 57, 71, 74, 75, 77-81, 86, 87, 91-93, 97-99, 102 and 104-108 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Naff whose telephone number is (703) 308-0520. The examiner can normally be reached on Monday-Thursday and every other Friday from about 8:30 AM to about 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, a message can be left on voice mail.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn, can be reached at telephone number (703) 308-4743.

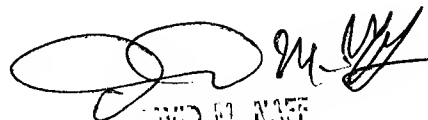
The fax phone number is (703) 872-9306 before final rejection or (703) 872-9307 after final rejection.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

DMN
11/22/02


DAVID M. RAFF
PRIMARY EXAMINER
ART UNIT 12/25/